

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KRISTOPHER STARKGRAF,

Plaintiff,

v.

PIERCE COUNTY COUNCIL, *et al.*,

Defendants.

Case No. C23-5390-TSZ-SKV

ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE

This is a civil rights action proceeding under 42 U.S.C. § 1983. Plaintiff Kristopher Starkgraf is proceeding with this action *pro se* and *in forma pauperis*. On June 23, 2023, Plaintiff filed an amended complaint in this action in which he identified multiple Defendants including a Pierce County Jail employee named Darryl Herbison. *See* Dkt. 11 at 2. On July 20, 2023, the Court issued Orders directing that Plaintiff's amended complaint be served on all Defendants named in Plaintiff's amended pleading. *See* Dkts. 14, 15. On August 24, 2023, Plaintiff filed a motion to strike Defendant Darryl Herbison from his complaint, explaining that he misidentified Mr. Herbison as a Defendant as Mr. Herbison was not involved in the events giving rise to this action. *See* Dkt. 18. Defendants have not opposed Plaintiff's motion to strike.

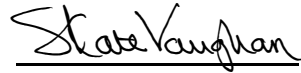
ORDER GRANTING PLAINTIFF'S
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1 Based on the foregoing, the Court hereby ORDERS as follows:

2 (1) Plaintiff's unopposed motion to strike Defendant Darryl Herbison from his
3 amended complaint (Dkt. 18) is GRANTED. The Clerk is directed to update the docket to
4 reflect that Mr. Herbison has been terminated from this action.

5 (2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
6 Defendants, and to the Honorable Thomas S. Zilly.

7 DATED this 3rd day of October, 2023.

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10 S. KATE VAUGHAN
United States Magistrate Judge